

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
JAMES A. BRUNO and KATHLEEN M. BRUNO

Docket No. 5:09 CV 1308
(GTS/DEP)

Plaintiffs,

NOTICE OF MOTION

-against-

NIAGARA MOHAWK POWER CORPORATION,
LG CONSTRUCTORS, INC., T D T REALTY
CORP., CORELLIS HOLDING CORP. and
THOMAS A. CORELLIS

Return Date: February 14, 2012

Defendants.

-----X
LG CONSTRUCTORS, INC.,

Third-Party Plaintiff,

-against-

MICHELS POWER, A DIVISION OF MICHELS
CORPORATION and MICHELS CORPORATION,

Third-Party Defendants.

-----X

PLEASE TAKE NOTICE, that upon the annexed Affidavit of Kevin F. Pinter, Esq. dated the 12th day of January 2012, the exhibits annexed thereto, the accompanying Memorandum of Law, Statement of Material Facts and upon all the pleadings and proceedings heretofore had herein, third-party defendant MICHELS POWER, A DIVISION OF MICHELS CORPORATION and MICHELS CORPORATION (collectively "MICHELS") shall move this Court before the Hon. David E. Peebles, United States Magistrate Judge, Northern District of New York, on **February 14, 2012**, at the courthouse located at the Federal Building & U.S. Courthouse, Syracuse, NY 13261, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an Order granting partial summary judgment to third-party defendant MICHELS, dismissing:

(1) all common law claims asserted against MICHELS by defendant NIAGARA MOHAWK POWER CORPORATION, T D T REALTY CORP., CORELLIS HOLDING CORP., THOMAS A. CORELLIS as well as defendant/third-party plaintiff LG CONSTUCTORS, INC. (hereinafter "LG"), and (2) defendant/third-party plaintiff LG's fourth cause of action against MICHELS, with prejudice; along with such other, further and different relief as to this Court deems just, proper and equitable.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Local Rule 7.1 of the Northern District of New York, any opposing papers must be served not less than SEVENTEEN DAYS prior to the return date of this motion.

Dated: New York, New York
January 12, 2012

Yours, etc.

By: 

Kevin F. Pinter, Esq.
Bar Roll No.: 516224
Nicoletti Gonson Spinner & Owen LLP
Attorneys for Third-Party Defendants
Michels Power, A Division of Michels
Corporation and Michels Corporation
555 Fifth Avenue, 8th Floor
New York, New York 10017
(212) 730-7750
Our File: 80187.00006

TO: Cerussi & Spring
Attorneys for Defendant/Third-Party Plaintiff
LG Constructors, Inc.
One North Lexington Avenue
White Plains, New York 10601-1700
(914) 948-1200

Powers & Santola, LLP
Attorneys for Plaintiffs
39 N. Pearl Street, 6th Floor
Albany, New York 12207-2785

(518) 465-5995

Hiscock & Barclay, LLP
Attorneys for Defendant
Niagara Mohawk Power Corporation
50 Beaver Street
Albany, New York 12207-2830
(518) 429-4233

Law Offices of Theresa J. Puleo
Attorneys for Defendants
T D T Realty Corp. and Corellis Holding Corp.
900 Wateryliet Shaker Road
Albany, New York 12205
(518) 862-7301